"Furthermore, under both Rule 24 (a) (2) and Rule 24 (b) (2) an application for intervention must be timely made. What constitutes timeliness is entrusted to the discretion of the Court. Permissive intervention under Rule 24 (b) (2) is very largely a matter of trial convenience and should be made at an early stage of the main proceedings to be of any measurable value. Intervention under Rule 24 (a) (2), however, involves something more than trial convenience and might well be allowed at a stage in the proceedings when permissive intervention would be denied. *Cameron* v. *President and Fellows of Harvard College*, 157 F. 2d 993. Although the determination of timeliness involves a consideration of a number of factors and the time element alone is not controlling, a strong showing must be made by the applicants in order to be allowed to intervene after the entry of a final judgement. See *4 Moore's Federal Practice* 2d Ed. Par. 24.13.

"The only factor stressed by the applicants in this regard is that they have no other way in which their rights could be protected, citing *Pellegrino* v. *Nesbit*, 203 F. 2d 463; *Wolpe* v. *Peretsky*, 144 F. 2d 505; *United States Casualty Co.* v. *Taylor*, 64 F. 2d 521; *Western Union Telegraph Co.* v. *IBEW, Local Union No. 134, et al*, 133 F. 2d 955. The premise upon which the applicants base their contention is erroneous. As this Court has already determined, the applicants are not 'bound' by the original proceeding and, therefore, their rights with regard to Orgonomy have never been adjudicated. Consequently, the applicants' contention in this respect is without merit and the cases cited by them are, therefore, inapplicable.

"Moreover, considering that the application for intervention was filed some two months after the entry of the default decree and one of the named defendants has indicated to the United States Attorney for the District of Maine that they have substantially complied with its terms, and under all of the other facts and circumstances of this case, this Court, in the exercise of its discretion, is of the opinion that the application for intervention was not timely made under the provisions of either Rule 24 (a) (2) or 24 (b) (2).

"It is therefore ORDERED, ADJUDGED, and DECREED that the application for intervention filed by the applicants on May 5, 1954, be and hereby is DENIED."

Applicants moved for a stay of execution of the decree of injunction pending appeal to the United States Court of Appeals for the First Circuit. This motion was granted by the district court on 1–18–55, as applying to the destruction of books and apparatus on 1–18–55, and was denied as to the rest of the terms of the decree.

Applicants thereafter appealed the denial of the application to intervene; and, on 5–11–55, the United States Court of Appeals for the First Circuit affirmed the decision of the district court (221 F. 2d 957).

Applicants thereafter filed motions for a stay of enforcement of the decree of injunction in the United States District Court for the District of Maine, in the United States Court of Appeals for the First Circuit, and in the United States Supreme Court, pending a petition for a writ of certiorari. All of these motions were subsequently denied.

On 10–10–55, the United States Supreme Court denied applicants' petition for a writ of certiorari.

5392. Orgone Energy Accumulators. (Inj. No. 261.)

INFORMATION FILED: On 7–15–55, in the District of Maine, the United States attorney instituted criminal contempt proceedings by filing an information and an application for an order to show cause why Wilhelm Reich Foundation, a Maine corporation, Rangeley, Maine, Wilhelm Reich, an individual, Rangeley, Maine, and Michael Silvert, an individual, New York, N. Y., should not be punished for criminal contempt of the permanent injunction which had been entered against Wilhelm Reich Foundation, Wilhelm Reich, and Ilse Ollen-